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November 14, 2012

VIA ELECTRONIC FILING

Honorable Dennis M. Cavanaugh, U.S.D.J.
Martin Luther King, Jr. Federal Building
and United States Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: Durso v. Samsung Electronics America, Inc.
Civil Action No. 2:12-cv-5352-DMC-JAD

Dear Judge Cavanaugh:

This firm represents defendant Samsung Electronics America, Inc. ("Samsung") in the above-referenced matter. This is a putative class action involving washing machines manufactured by Samsung that plaintiff alleges are defective. Samsung's deadline to file a responsive pleading or otherwise move in this matter is currently November 19, 2012. Samsung anticipates filing a motion to dismiss the Complaint pursuant to Fed. R. Civ. P. 12(b)(6) and Fed. R. Civ. P. 9(b). We write at this time to request permission to file an overlength brief in support of this anticipated motion to dismiss.

Plaintiff asserts causes of action against Samsung for violations of the New Jersey Consumer Fraud Act, N.S.J.A. 56:8-1, et seq., as well as fraudulent concealment, breach of express warranty, breach of the implied warranty of merchantability, breach of the implied warranty of fitness for a particular purpose and negligent misrepresentation. Samsung's anticipated motion to dismiss will necessarily address not only the alleged operative facts, but also all six causes of action asserted by plaintiff and performs a detailed analysis for each.

Pursuant to L. Civ. R. 7.2(b), Samsung respectfully requests permission to file an overlength brief in support of its motion to dismiss. See Rosenberg v. JCA Assocs., 2007 U.S. Dist. LEXIS 23570 (D.N.J. Mar. 30, 2007) (granting request for overlength brief where the "[d]efendants' motions address a number of complex issues that require extensive briefing"). Because of the complexity of issues and multitude of factual and legal analyses presented, Samsung expects that an additional ten pages (for a total of 50 pages) will be necessary.



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We appreciate the time and consideration extended by Your Honor in this matter.

Respectfully,



JAMES J. O'HARA

cc: All counsel of record (via ECF)